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10/640,344

08/12/2003

George Roukis

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SANTA MONICA, CA 90404

EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/640,344             | ROUKIS, GEORGE      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Meagan Thomasson       | 3714                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

The examiner acknowledges the amendments made to claims 1 and 11-16. New claims 29-32 have been added.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 – 7, 15 – 21, 29, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrie et al. (US 6,173,955).**

Regarding claims 1, 15, and 29, Perrie et al (hereafter Perrie) discloses a gaming machine having a displayed means to display game images, a game control means to control game play, wherein the game play causes at least one random event to be

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displayed on the display means, and wherein the machine awards prizes to the players in the form of bonus plays, credit or monetary payouts (2:25 – 47). Perrie also discloses the use of a bonus game wherein the bonus game is operable with a trigger of the primary game. Perrie discloses that the primary embodiment of a dice game may be used also as a bonus game to any conventional primary type game machine (Perrie 10:29 – 56). Perrie discloses the awarding of prize payouts based upon the value the objects, cards or dice that constitute a winning hand. These values can be computed mathematically in a number of ways. One way is to calculate the sum of the individual die (wherein the symbols represent numbers). Another way is to use a combination of addition and subtraction of the different values that the symbols that comprise the final hand represent. Perrie does not specifically disclose that the award that is provided to the player, is the product of the numbers displayed on the plurality of devices displayed by the display means. However, as discussed above, Perrie discloses awards based upon mathematical functions such as addition or the combination of addition and subtraction. Multiplication or the deriving of a product of two numbers or a plurality of numbers is common in the gaming art, specifically casino type games. Thus it would be obvious to one of ordinary skill in the art to modify Perrie to base the awards provided to the player on the product or multiplication of the values that are represented by the symbols on the faces of the die. This is an obvious mathematical alteration that could provide the player with increased awards for more valuable hands.

Further, Perrie discloses that a bonus prize may be multiplied by a multiplier if the numbers displayed by the devices comprise a predetermined combination (col. 20, lines 41-55).

Regarding claims 2 and 16, Perrie discloses a bonus feature (10:29 – 56). The bonus game is apart of a composite bonus round. Thus forming a composite feature.

Regarding claims 3 and 17, Perrie discloses that the bonus game is automatically triggered (Perrie 13:25 – 37).

Regarding claims 4 and 18, Perrie discloses that in one embodiment a player needs to wager the award or payout that they received in the base game to participate in the bonus game (Perrie 12:55 – 65). Thus, the wager needed to participate in the bonus game is greater than the standard wager needed to play the primary game.

Regarding claims 5 and 19, Perrie discloses a bonus game that can be initiated independently of the base game. The bonus game initiation could be based upon a timer timing out (Perrie 13:31 – 33).

Regarding claims 6 and 20, Perrie discloses that the bonus game can be randomly triggered (Perrie 13:9 – 15).

Regarding claims 7 and 21, Perrie disclose many different orientations of the bonus game wherein the base game is replaced by a second display screen (Perrie 10:29 – 56).

**Claims 8 – 10 and 22 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrie et al. (US 6,173,955) as applied above and in view of Marta (US 6,394,901).**

Regarding claims 8 – 10 and 22 – 24, Perrie discloses dice characters that are displayed on the on the display of the game machine (Perrie Figs 3, 5). Perrie also disclose that the dice are rolled and re-rolled to display hands of dice. Perrie does not disclose that an animated character rolls the dice in its hand to simulate the shaking and rolling of the dice. Marta discloses a slot machine that simulates the rolling of dice by means of a character or hand (Marta Figs 3a – 3f). Marta also discloses the throwing of the dice, one after another. This is seen in the figures 3a – 3f. As can be seen one in the figures, one die when thrown is positioned in front of the second die. Thus the dice can be said to be thrown one after another or successively.

It would be obvious to one of ordinary skill in art to display a simulation of dice being thrown. This would enhance the presentation of the game, as the player would feel that the game is being determined at the very moment the dice are being thrown.

**Claims 11 – 13, 25 – 27 and 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrie et al. (US 6,173,955) in view of Marta (US 6,394,901) as applied above and in view of Webb (US 2003/00714117).**

Regarding claims 11 – 13 and 25 – 27, Perrie does not specifically disclose that the award that is provided to the player is the product of the numbers displayed on the plurality of devices displayed by the display means. However, as discussed above

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Perrie discloses awards based upon mathematical functions such as addition or the combination of addition and subtraction. Multiplication or the deriving of a product of two numbers or a plurality of numbers is common in the gaming art, specifically casino type games. Thus it would be obvious to one of ordinary skill in the art to modify Perrie to base the awards provided to the player on the product or multiplication of the values that are represented by the symbols on the faces of the die. This is an obvious mathematical alteration that could provide the player with increased awards for more valuable hands. Further, Webb discloses a dice game wherein the player is awarded a bonus factor that is determined by the product of numbers displayed on at least two dice. Webb discloses that depending on the how many matches that a player rolls such as "four of a kind" the player is qualified to play a second bonus level and wherein the player can then be awarded a bonus factor that is dependent on the product of the dice. In addition, Perrie discloses a bonus multiplier embodiment wherein various predetermined combinations are awarded different multipliers (col. 20, lines 45-55).

It would be obvious to one of ordinary skill in the art to modify Perrie in view of Webb to provide a game wherein the player is awarded award such as bonus factors that are based upon the product of the numbers represented by symbols on dice in a dice game if a player receives multiple matches of a certain number or symbol on the dice. Bonus multipliers are well known in the art to be used to increase player excitement in the game as well as increase the playing time a player will spend playing the game.

**Claims 14,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrie et al. (US 6,173,955) as applied above and in view of Jaffe (US 6,551,187).**

Regarding claims 14 and 28 Perrie does not specifically disclose that the prize that is awarded the player is multiplied by the number of lines and the bet per line. Jaffe discloses a game machine wherein the bonus game awards a payout that is multiplied by the line bet if the pay line is active (Jaffe 6:21 – 24; 48 – 50). Multiplying award by the amount bet per active line is a well known feature of base games as well as bonus games as demonstrated by Jaffe.

Regarding claim 31, wherein a prize is multiplied by the total wager placed by the player, in the embodiment disclosed by Jaffe a player may place a wager on a single line. If a predetermined winning combination should occur on said line, a player's winnings are multiplied by the amount of credits bet on the winning pay line, and thus a player's winnings are multiplied by their total wager.

It would be obvious to one of ordinary skill in the art to modify Perrie in view of Jaffe to provide a game wherein the award is multiplied by the number of lines bet and bet per line. This is a common feature of many wagering games to increase the amount of potential payouts a player can receive.

### ***Response to Arguments***

Applicant's arguments filed August 16, 2006 have been fully considered but they are not persuasive.



Specifically, applicant asserts that multiplication, as disclosed in the claims, wherein the product of the displayed dice faces is awarded to a player, is not obvious or common in the game art. Regarding Perrie, applicant asserts that it would not have been obvious to modify the teaching of Perrie, wherein the sum of the display dice faces is awarded to a player, to include multiplication as it would drastically increase the payout range for a given gaming machine. Further, applicant contends that no teaching, motivation, or suggestion exists in Perrie to make such a major change to the outcome of the game. The examiner does not agree with this assertion, and refers the applicant to col. 4, lines 20-25 of Perrie, wherein "the payoffs P1 through P9 are designed to provide a broad range from minimal (or no) payoffs to large (or jackpot) payoffs". Further, Perrie discloses the ability to adjust the number of dice, the number of faces on a given die, as well as the value of the symbols that appear on a given die face (col. 3, lines 40-47; col. 4, lines 42-46) at the discretion of the gaming venue. This flexibility further allows the gaming venue to adjust the payout range for a given gaming device. Therefore, it would have been obvious to include multiplication in the set of mathematical functions that dictate the award paid to the player, despite potentially drastically altering the possible payout range, because Perrie contemplates a large payout range and further discloses several methods of adjusting said payout range.

Applicant asserts that the payout of Perrie depends upon the player obtaining a winning combination of dice, as opposed to the claimed invention wherein a player's award is based solely on the product of the displayed faces. The examiner refers applicant to col. 4, lines 36-39, wherein Perrie discloses that "other hand values, both

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poker-like and non-poker-like, are also possible. For example, the value of a hand may be calculated as the sum of the individual dice". This method of awarded a player does not involve a particular winning combination, and is dependent solely on the values displayed on the faces of the dice. Regarding the use of summation in place of multiplication to determine the payout amount, please see the preceding arguments.

Additionally, applicant asserts that the bonus game disclosed by Perrie in view of Webb would result in the initiation of a further bonus round in addition to the rolling of the dice that determined the prize, as in Perrie. According to the language of claim 1, a "bonus prize is multiplied by a multiplier if the numbers displayed by the devices comprise a predetermined combination". Webb discloses awarding a bonus in the form of a multiplier upon the occurrence of a predetermined combination (par. 16) in a primary game, Perrie discloses a bonus game as described above. Webb is referenced to illustrate the common practice of utilizing a bonus multiplier upon obtaining a predetermined combination, irrespective of the method by which the multiplier is determined. Taken in combination, wherein Perrie discloses the claimed bonus game and Webb teaches the use of a multiplier to reward a predetermined combination, the limitations of claim 1 are satisfied. Motivation for combining the teachings of Perrie and Webb can be found in the above rejection. In addition, Perrie discloses the use of a bonus multiplier in col. 20, lines 41-55, wherein in the given example a player is awarded 60 units for obtaining a 5-dice straight that is then multiplied by a multiplier of 3, making their total bonus award =  $60 \times 3 = 180$  units.

Claim 10 requires that, in order to create a heightened sense of anticipation, the dice are thrown one after the other. Applicant submits that this is a non-obvious claim limitation in light of Perrie and Marta, as Marta discloses a mechanism for simultaneously rolling two dice. Regardless of the interpretation of Figures 3a –3f of Marta, the concept of heightening player excitement by revealing symbols one at a time, in this case revealing the symbols on the faces of dice, is notoriously well known throughout the art. For instance, in a slot machine gaming application, the reels are generally stopped one at a time so that the symbols are displayed to a player one at a time. Col. 19, lines 45-53 of Perrie disclose that any method “could be used under the teachings of the present invention to roll the dice”, and therefore Perrie contemplates a slot machine embodiment wherein the faces of each die are revealed, i.e. rolled, one at a time.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson  
January 30, 2007

  
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